

★ JUN 12 2018 ★

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

BROOKLYN OFFICE

UNITED STATES OF AMERICA

– against –

CORY WILSON,

Defendant.

18-CR-15

Statement of Reasons Pursuant to
18 U.S.C. § 3553(c)(2)

JACK B. WEINSTEIN, Senior United States District Judge:

Appearances

For United States:

Erin Reid
United States Attorney's Office
Eastern District of New York
271 Cadman Plaza East
Brooklyn, NY 11201
718-254-6361
erin.reid@usdoj.gov

For Defendant:

Michael K. Schneider
Federal Defenders of New York, Inc.
1 Pierrepont Plaza, 16th Floor
Brooklyn, NY 11201
817-330-1161
michael_schneider@fd.org

Table of Contents

I.	Introduction.....	2
II.	Instant Offense.....	2
III.	Guilty Plea.....	2
IV.	Sentencing Hearing.....	2
V.	Offense Level, Category, and Sentencing Guidelines Range.....	3
VI.	Law.....	3
VII.	18 U.S.C. § 3553(a) Considerations.....	3
VIII.	Sentence.....	4
IX.	Conclusion.....	5

I. Introduction

Defendant Cory Wilson pled guilty to one count: escape from the custody of the United States Attorney General in violation of U.S.C. § 751(a).

II. Instant Offense

Wilson was convicted in 2009 for possession of a firearm as a convicted felon and sentenced to 41 months incarceration. Presentence Investigation Report (“PSR”) at ¶ 2. On May 26, 2011, he was transferred to a halfway house to serve the remainder of his prison term. PSR at ¶ 3. He absconded about 2 weeks later after signing out of the home on a job-seeking pass. PSR at ¶ 4.

He was arrested without incident on December 21, 2017. *Id.*

III. Guilty Plea

On February 21, 2018, he pled guilty to escape from the custody of the United States Attorney General, in violation of 18 U.S.C. § 751(a). PSR at ¶ 1.

IV. Sentencing Hearing

A sentencing hearing was conducted on June 4, 2018. *See* Sentencing Hearing Transcript (June 4, 2018) (“Sent. Hr’g Tr.”). The court accepted a guilty plea. Sent. Hr’g Tr. The proceedings were videotaped to develop an accurate record of courtroom atmosphere. *See* 18

U.S.C. § 3553(a); *In re Sentencing*, 219 F.R.D. 262, 264-65 (E.D.N.Y. 2004) (describing the value of video recording for the review of sentences on appeal).

V. Offense Level, Category, and Sentencing Guidelines Range

Wilson's base offense level is 14. PSR at ¶ 8; 18 U.S.C. § 751; United States Sentencing Guidelines ("U.S.S.G.") § 2P1.1(a)(1). He received a four-point reduction since the escape was from a non-secure correction center, and a two-point reduction for acceptance of responsibility. PSR at ¶¶ 9, 2; U.S.S.G. §§ 2P1.1(b)(3), 3E1.1(a).

The defendant's criminal history score is 7; the criminal history category is IV. PSR at ¶¶ 23-25. His guideline imprisonment range is 8 to 14 months and one to three years of supervised release. PSR at ¶¶ 57, 59.

VI. Law

A "court shall impose a sentence sufficient, but not greater than necessary." 18 U.S.C. § 3553(a). The Sentencing Guidelines are advisory. *United States v. Booker*, 543 U.S. 220 (2005). The sentencing court may depart from the Guidelines in the interest of justice after considering the factors in section 3553(a). *Booker*, 543 U.S. at 245-46; *see also United States v. Cawera*, 550 F.3d 180, 189 (2d Cir. 2008) (en banc) ("A district court may not presume that a Guidelines sentence is reasonable; it must instead conduct its own independent review of the sentencing factors, aided by the arguments of the prosecution and defense.").

VII. 18 U.S.C. § 3553(a) Considerations

The defendant is a thirty-four-year-old United States citizen. PSR at 2. His mother died when he was six years old. PSR at ¶ 31. He had no relationship with his father, who was incarcerated for most of the boy's adolescence and died in 2001. *Id.* Wilson was placed into the

foster care system at three, where he remained until he was sixteen. PSR at ¶ 34. There he was a victim of severe abuse. *Id.* When 15-years-old he was admitted to a psychiatric facility. *Id.*

Wilson began smoking marijuana at twelve-years-old. PSR at ¶ 43. He was first arrested when he was 16 years old. PSR at ¶ 18.

While incarcerated, Wilson earned his General Educational Development (“GED”). PSR at ¶ 47. Since 2011, he has worked off-the-books as a construction worker and janitor. PSR at ¶ 50.

The defendant lived a crime free life for the six years preceding his arrest for the instant offense. During this time, he has been in a committed relationship with Shaniqua Williams. PSR at ¶ 36. The two have been in a relationship since 2012 and live together with Ms. Williams’ 14-year-old daughter. PSR at ¶¶ 36-37. Williams attended the sentencing hearing with her daughter; both are supportive.

VIII. Sentence

The defendant is sentenced to time served. No term or supervision shall follow his release from custody. A \$100 special assessment is imposed.

A sentencing court must consider a defendant’s ability to be rehabilitated, along with general and specific deterrence. This defendant has effectively rehabilitated himself. He has lived a law-abiding and productive life for the past six years.

He has expressed remorse for his conduct and a desire to continue living a productive, law-abiding life. Because of the long gap in the time between his crime and sentencing, a term of incarceration would not serve the ends of specific or general deterrence. Defendant’s evident self-rehabilitation makes a term of supervised release redundant. He has already been punished

for his escape by serving an additional six months in prison. *See* Defendant's Sentencing Memorandum, ECF No. 16.

IX. Conclusion

Respectful consideration was given to the Sentencing Guidelines. This sentence is "sufficient, but not greater than necessary" to comply with the purposes of sentencing. 18 U.S.C. § 3553(a).

SO ORDERED.

A handwritten signature in black ink, appearing to read "Jack B. Weinstein". The signature is fluid and cursive, with a horizontal line drawn underneath it.

Jack B. Weinstein
Senior United States District Judge

Dated: June 6, 2018
Brooklyn, New York